

The Partial Amended Provisions for the Regulations of Inspection of Imported Foods and Related Products

Amended provisions

Article 4 Obligatory Inspection Applicants shall submit the following documents to the inspection authority for inspection:

1. An application form for inspection.
2. A declaration form of product information.
3. A photocopy of application for import declaration.
4. Necessary certificates required by the Food and Drug Administration, Ministry of Health and Welfare (hereinafter as“TFDA”).

In accordance with Article 32 of the Act, the inspection authority may require Obligatory Inspection Applicants to provide other necessary certificates and data. The Obligatory Inspection Applicants shall not evade, obstruct or refuse. Paragraph 1 Obligatory Inspection Applicants shall submit the Consolidated Import Declaration with Relevant Permits by the Customs Administration, Ministry of Finance according to Article 26 of Regulations Governing The Implementation Of Automated Cargo Clearance Procedures in a public announcement when applying import inspection.

Article 5 (Repealed.)

Article 17 Verifying and sampling of inspection shall conduct in the place where the products were stored. If the products were shipped in full container load, which shall be verifying and sampling in the centralized inspection area of port or where be approved by TFDA.

In case of difficulty in sampling the product, inspection Authority may require inspection by transferring product from container to the warehouse.

During the verifying and sampling in preceding paragraph 1 and paragraph 2, Obligatory Inspection Applicants shall cooperate accordingly and can not appoint any specific sample.

Article 19 Due to requiring five or more days for examination, or sampling of such products is difficult in a container yard, the product is perishable, or the product is directly loaded by cargo boat and the terminal without storage, the inspection authority may issue a Notice of Prior Release for importing for customs clearance after the obligatory inspection applicant sign an affidavit of custodial responsibility. However, for products designated for batch-by-batch inspection shall be retained at border temporarily.

Article 19-1 If the imported product be declared or labeled as an organic product which not to violate the Act except for the organic labeling approval document, the inspection authority may issue a Notice of Prior Release for importing for customs clearance after the obligatory inspection applicant sign an affidavit of custodial responsibility.

Article 20 Products conform to the preceding two Articles by the inspection authority that belong to one of the following situations, the inspection authority may issue a prior release notice after the obligatory inspection applicant paying a guarantee bond :

1. Products were belongs to Reinforced randomly-selected batch inspection.

2. Products were belongs to Oversee inspection and the result is not qualified.
3. To be attributable to Obligatory Inspection Applicant had submitted Prior Release for more than 90days since the day of Inspection Authority issuing the prior release notice, Obligatory Inspection Applicant had not yet completed the inspection process, then re-apply any other product for the Prior Release.

The amount of the guarantee bond in the preceding paragraph shall be twice as the customs value of the products.

Article 21 Paying the guarantee bond in accordance with preceding article by an obligatory inspection applicant shall be by financial-institutions-issued cashier's check or check, or postal order.

After the products applied for inspection conform to the regulations or had obtained the notification of noncompliance and in accordance with Article 24, and no violation of Subparagraph 3 of Article 51 of the Act, the obligatory inspection applicant may request the inspection authority to refund the guarantee bond.

Article 23 Products that fail to conform to the regulations, a notification of noncompliance for import food and relevant products shall be issued.

The obligatory inspection applicant can apply for re-examination to the original inspection authority within 15 days after the day for receipt of the notification of results. Application for re-examination is limited to one time only, and shall be performed by the original inspection authority using remaining samples for the re-examination.

Remaining samples of products that do not conform to regulations shall be destroyed at the end of the period of application for re-examination.

Article 24 Imported products that do not conform to regulations upon inspection shall be disposed of in one of the following ways by the obligatory inspection applicant:

1. Return or destroy.
2. For products do not conform to Article 22 or Article 18 of this Act, or violate Paragraph 1 of Article 21 of this Act, the obligatory inspection applicant may apply to TFDA for disinfection, reconditioning or taking the enforcement of appropriate safety measures.
3. For products violate Article 22, Article 24, Article 26, Article 27 or Paragraph 1 of Article 28 of this Act, the obligatory inspection applicant may apply to TFDA for relabeling.

When the obligatory inspection applicant takes appropriate action in accordance with the Subparagraph 2 or 3 of the preceding Paragraph, after the TFDA agreed, may import and recondition goods or correct indication of the product.

If imported products that have been released via a prior release notice fail an inspection, the inspection authority shall order the obligatory inspection applicant to retrieve and take appropriate action in accordance with the provisions of Paragraph 1 of this Article.

Article 28 Except for Article 20 and 21 that were amended in January 27 2014 come into enforcement from June 19 2014, the other provisions shall come into enforcement from the date of promulgation.

Prior to the amendment of this regulations on __, __, __, the approval document of pre-declaration of product information mentioned in Article 5 is available until Term of validity, and invalid from the second day of expiration.